

Appl. No. 10/078,042
Docket No. 8430L
Amdt. dated April 19, 2010
Reply to Office Action mailed on November 17, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 31-34 are pending in the present application. No additional claims fee is believed to be due.

Claims 1-10 and 14-30 are canceled herein without prejudice.

Claims 11-13 were previously canceled without prejudice.

Claims 31-36 are new.

Support for new Claim 31 is found in the specification generally at page 25, line 18 – page 26, line 6, and with respect to the individual steps thereof, further in the specification as follows:

- a) page 16, lines 16-28;
- b) page 5, lines 15-17; page 10, lines 14-17;
- c) page 9, line 22 – page 10, line 17;
- d) page 9, line 22 – page 10, line 17;
- e) page 12, lines 15-29;
- f) page 5, line 18 – page 6, line 1; page 8, line 11 – page 10, line 28;
- g) page 5, line 18 – page 6, line 1; page 8, line 11 – page 10, line 28;
- h) page 13, line 1 – page 14, line 19;
- i) page 15, lines 3-13; page 20, line 16 – page 21, line 10; and
- j) page 22, lines 5-21;

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“wherein” clause: page 23, lines 1-10.

Support for new Claim 32 is found in the Specification at page 15, line 14 – page 17, line 25.

Support for new Claim 33 is found in the Specification at page 16, lines 5 – 29.

Support for new Claim 34 is found in the Specification at page 20, line 29 - page 22, line 4.

Support for new Claim 35 is found in the Specification at page 15, lines 14-29, and page 18, line 6 – page 19, line 2.

Support for new Claim 36 is found in the Specification at page 18, line 21 – page 19, line 11.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections

Prior pending Claims 1-10 and 14-30 were rejected for various reasons. Without conceding the correctness of the rejections, and without waiving any arguments for patentability they may otherwise have had, Applicants have herein canceled the prior pending claims, and herewith submit new Claims 31-36. Applicants respectfully submit that all prior rejections are now moot.

Remarks Regarding Patentability of New Claims

New Claim 31 recites the steps of, *inter alia*: c) selecting at least one quantitative first parameter related to an individual's asthmatic condition, a failure event and the individual's health, for measurement and analysis; d) selecting at least one qualitative or quantitative second parameter related to the individual's asthmatic condition and the individual's environment, for determination and analysis; f) using a data measurement

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mechanism to measure the first parameter at times and at a frequency according to a sampling strategy, to generate first data concerning the first parameter; g) determining the second parameter at times and at a frequency according to the sampling strategy, to generate second data concerning the second parameter; h) using a data acquisition mechanism to store the first data and the second data on a storage medium; i) using an electronic data analysis mechanism to analyze the first data and the second data, whereby the data analysis mechanism comprises software employing reliability engineering techniques; and j) using the data analysis mechanism to identify an environmental cause of the failure event. By dependency, each of new Claims 32-36 includes all of these step elements.

Without conceding the presence of any other elements or waiving any other arguments they may have, Applicants believe, and submit, that the combinations of references applied by the Office in the Office Action dated 11/17/2009 do not teach or suggest each of step elements c), d), f), g), h), i) and j) in combination as recited by the new claims. Further, it is believed that the combinations of prior art references previously applied lacks any teaching or suggestion of individual step elements d) and j).


Conclusion

This response represents an earnest effort to place the present application in proper form for allowance. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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